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ABSTRACT

The first part of this paper deals with teacher suspension and dismissal as tools for correcting teacher behavior. Three cases involving teacher discipline are examined, one leading to resignation, a second to improved teacher behavior, and a third to a tenure hearing and dismissal. Part 2 of this paper examines the need to reduce staff when districts face declining enrollment, as well as disposition of school buildings and school closing. Failure to recognize the problems associated with declining enrollment could lead to the demise of the public schools as an institution. Some methods for coping with enrollment decline are presented. (Author)

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THE PRINCIPAL AND THE LAW: SUSPENSIONS AND REDUCTIONS IN STAFF

Helen E.R. Ditzhazy, PhD.

Part One

Discharge or demotion of a teacher on continuing tenure may be made only for reasonable and just cause, and only after such charges, notice, hearing, and determination thereof, as are hereinafter provided(1).

All charges against a teacher shall be in writing, signed by the person making the same, and filed with the secretary, clerk or other designated officer of the controlling board. Charges concerning the character of professional services shall be filed at least sixty (60) days before the close of the school year.(2)

As a manager, the building principal has the responsibility to maintain a maximum level of acceptable behavior on the part of all staff, to correct undesirable teacher behavior and to pursue orderly dismissal procedures when necessary.

The real purpose of the Tenure Act is to protect the competent teacher, thus disciplinary action should be corrective in nature.

Among the school staff the minimum standard of accepted teacher behavior is set by your worst teacher. The standards of behavior set for teachers should be the same for all teachers. After all, the ultimate and most important purpose of a discipline program is to create a good learning environment for students.

Two technicalities which, in the past, have caused Tenure Commissions to rule against a board of education are lack of documentation and the use of incorrect procedures; documentation is used in an arbitration proceeding to provide objective data.

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(1) Article IV, Section 1, Michigan Teacher Tenure Act
(2) (Ibid) Section 2, Michigan Teacher Tenure Act

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When, then, it is the intent to have a teacher removed, both "due process" and "just cause" must be considered. The term 'just cause' implies that the Board had a proper reason to cause the action taken. 'Due process' on the other hand is to protect the rights of the individual. One essential aspect is that the rules have to be known by the teachers.

In implementing and administering a program of corrective discipline the primary objective should be to promote and maintain a maximum level of acceptable behavior on the part of all staff members. If after a reasonable effort to correct the undesirable behavior or conduct of a staff member the individual remains unable or unwilling to correct his or her behavior, school administrators must then move toward an orderly dismissal of the teacher from the profession.

Tenure teachers as well as probationary teachers can be dismissed or suspended. Such errors as lack of proper documentation, lack of meeting required deadlines, lack of protection of individual rights and lack of just and proper cause or due process are the main reasons for reversal of a Board's position and <u>not</u> as some might argue, the merits of the particular case.

During the period of greatest student unrest about the Vietnam War, a teacher in a suburban school with 2,250 student enrollment lighted a match and allegedly burned his draft card in front of the class. This teacher was immediately suspended from the classroom, pending an investigation. A substitute teacher was hired and the regular teacher was assigned 'curriculum work' in the library.

Full investigation showed that the teacher had burned his draft registration <u>not</u> his Classification Card. This examination of facts led to satisfaction of the Administration and school board but not the teacher although he was returned to the class for the remainder of the year. During the course of the investigation, the teacher

seriously considered involving the Civil Rights Commission, but decided against it. The teacher did feel abused and as though his 'freedom' to teach had been questioned. The Administration did nothing to make him feel differently. At the end of the year the teacher resigned to take a job with a regional education agency.

In your opinion, did the Board have a just and proper cause to suspend the teacher?

A second case related to a coaching incident.

On the morning after an away baseball game, the girls varsity coach wrote a letter to the high school athletic association regarding a softball official who allegedly did not know the rules of softball, nor pre-game, nor the rule of infield fly. The official also, allegedly asked the catcher if a ball was foul before calling the play.

The coach disagreed about a rule interpretation - - in his own words, not by screaming nor use of vulgarity but in attempting to show the umpire a rule book. He was tossed out of the game. He became even more infuriated when the umpire allowed him to coach from the bench for two more innings. Only when the other coach showed the umpire the rule in the rules book covering a coaches removal did he ask him to leave the area.

Both coaches had to continue to show the umpire the rules in the book. The coach requested the Athletic Association not to send this umpire again to officiate a game for the school. On the same day the coach sent this communique, the Principal of the other school involved called to protest the coaches behavior. While he agreed with the way part of the incident was relayed, he also indicated that the coach had verbally abused the umpire and that further, after the game he had tailed the official on foot and allegedly threatened him with bodily harm. The principal indicated that there was a parent witness to this episode.

Upon investigation of this incident and on review of an early complaint about the coach, where verbal correction had been given, the coach was suspended from the next two practices and the following game. The memo from the principal indicated that the suspension was based on the judgements the coach had made in working with the Girls Softball Team on two recent occasions. It spelled out the two incidents. It also indicated that the principal knew the coach cared for the team and the student, but pointed out that he must change some of his methods. It indicated too that the principal had good faith in the coaches ability to learn to be more careful in his choice of words and in his relationship with umpires in the future.

On the same day, the coach tendered his resignation, 'with great regret', but 'without the support of the administration', he said, 'he felt he could no longer be effective'. He indicated too that he believed his suspension was unjustified and that his actions or reactions were typical of any coach who cares about his team, the sport and the rules to stand behind what he believes and knows to be right.

The following day, the principal sent a letter to the coach, pointing out that the coach misunderstood the reason for the suspension. Again, the two incidences were set out. It asked the coach to read and try to understand why he was suspended and to reconsider the resignation letter. It referred to professional coaches who were sometimes suspended and who learned from the experience.

The next day the principal received a letter from the executive director of the Michigan High School Athletic Association asking for an investigation of the incident as described in a copy of a letter from the umpire. The umpire indicted that the coach had disrupted and continued to disrupt the game in question. Otherwise the incident was as reported by the coach. He referred too, to the coach threatening

the umpire with bodily harm and named the witness. The umpire cited a rule in which he is to 'duly note any protest'. The Principal's letter to the Athletic Association indicated the earlier correspondences and noted the umpires seeming lack of knowledge of the rules. It also referred to the brouhaha which had developed, the abuse the coach had given the umpire and the suspension.

The next episode was the local Education Association query about the account of events and action taken. This was supplied them by the coach. Two days later the principal received a request from the coach to withdraw his resignation. He indicated that he was looking forward to the balance of the season with great anticipation.

The following day the principal received a letter from the executive director of the Michigan High School Athletic Association stating that, 'It is my opinion the matter has been thoroughly and adequately handled at the local administrative level and it is not necessary that this matter be pursued to greater extent by this office regarding that complaint'.

The letter also asked the umpire to respond to his alleged lack of rules knowledge. Twelve days later the principal received a copy of a letter to the umpire which indicated the matter should be closed and reminding him that coaches and officials each have a responsibility to do the proper job of setting the example for students.

Positive counseling led to the coach returning to his position. This attempt to correct the coaches behavior by suspension and bringing all thoughts to bear on the incidences which led up to suspension pre-empted the need to pursue dismissal from the position. A year hence, the coach views the incident as a learning experience with implications for non-repetition. This type of correction gave <u>some</u> satisfaction to the offended official, the neighboring school, the athletic association, the local education association, the parent who had observed the incident and the central

administration of the coaches district. There were, of course, those who thought it was too severe and those who thought it was not severe enough.

If we believe people can learn from suspension when very serious allegations are made against them and time to thoroughly investigate is needed or if we believe that suspension is a strong punitive measure, then it is a tool to use, sparingly but necessarily; the main concern would seem to be in the follow-up after its use.

In your opinion, was the teacher denied due process?

Let's assume that you have become very annoyed with one of the teachers on your staff. He is definitely uncooperative, not like the others in the building. He is constantly pushing controversial material and ideas at students in a loud and aggravating way. Let's also assume you have reached a point during this persons second year on the staff that you simply aren't going to stand for this type of conduct any longer. You previously have talked with him about his methods and have told him the next time it happens he is going to be in trouble. After the next incident, you do a teacher evaluation. This evaluation is negative. He protests. A month later another teacher evaluation is negative. You do not recommend him for tenure. He files a grievance against your action. The case proceeds through the various steps of the grievance procedure and is not resolved, thus it finally goes to "arbitration". You appear at the hearing with your documentation. The association representative presents evidence that another teacher in the building has covered similar materials and has been involved with the same controversial subjects as the teacher you would not recommend for tenure. Your defense takes into account a more cooperative attitude, better classroom results and other factors which differentiate the two persons. You are able to clearly establish that there are differences in teacher method and in teacher behaviors. Two years later you go to court where again you, and other witnesses

are able to show that the teacher you refused tenure was, in fact, the most marginal teacher. He was one who set a minimum standard of behavior in your school which was, in the minds of parents, the school board and yourself, dangerous to the well being of the students in his charge. The only way you can change this minimum standard is by correction or removal. You show, beyond doubt, that you had and had asked your assistants to try correction. When you had failed at correction you had no other choice but removal. The option of a third probationary year seemed to be out of the question for no progress had been made in previous corrective attempts.

The question you must ask yourself is, "did the administrator (or board) have a just and proper reason to cause the action to be taken against the staff member?"

Part Two:

Many public schools across the country are experiencing a phenomenon that they have never experienced before. Specifically, since the mid-1960's, they are in an era of expanding curriculum while being confronted with reductions in student enrollments, boards of education have found it necessary to reduce their professional teaching staffs accordingly. Declining enrollment has a direct impact on the operation and the financing of school districts. To fail to recognize change or to postpone constructive action to deal with problems arising out of a declining enrollment often tends to compound the problem and makes the solution more difficult.

This part of my talk relates to the techniques of managing a declining enrollment and views the level of job satisfaction of some high school teachers who have been transferred and/or reassigned as a result of reductions in staff.

The present enrollment decline, both public and private, is due to the drop in the

number of births; this decline is expected to reach bottom in the next few years. Generally, children who will be entering school in 1980 have already been born. It will take several years of increased births to make much impact on the aforementioned low enrollment picture.

Enrollments in some school districts had started to slip prior to 1972-73. Generally 1972-75 presents a noticeable change from preceding years figures. While enrollments have declined since the 1971-72 peak, the number of classrooms in use and the number of classroom teachers have increased. Per pupil cost has increased significantly. The number of classroom teachers increased each year until 1974-75, when a decrease began. During this period there was a reduction of the average number of classroom teachers.

Declining enrollments affect both the expenditures and the revenues of a district. As enrollment drops, per pupil expenditures rise unless the overall expenditure level is reduced proportionately to the decline of pupils.

Enrollment declines are widespread country-wide and are expected to continue at an increased rate throughout the 1970's. Of further concern then are the options available to local school districts and techniques that have been used to manage declining enrollments.

Four of the areas districts are adjusting in managing enrollment decline are: (1) closing excess schools, (2) utilizing space, (3) staffing, and (4) organization and program.

Closing schools can bring mixed reactions from the community. Headlines in a recent local paper read: 'Board decides fate of Ten Mile school'. On the same page, another headline reads 'Task force member crusades against Ten Mile closing'.

School closings make opportunities for disposing of temporary buildings and

obsolete facilities. Maintenance, clerical and supervisory costs can also be cut out when a building is closed. Hopefully the affected personnel can be absorbed in other buildings through retirements or replacements. Citizens advisory committees given a specific charge and carefully chosed to re resent a cross section of the citizenry can be helpful in recommending criteria to be used in selecting schools to be closed. Ultimately however, the Board of Education must make the decision.

A five point criteria developed in a Michigan district helped in deciding which schools to close: (1) location (2) adequacy of the facility, (3) enrollment and building capacity (4) prospects for satisfactory disposal of property and (5) impact on the community were all considered.

In a school closing it may be possible to sell it, hold it, lease or exchange it. In some cases reorganization of district boundaries may put a marginal school to use. Annexation may also offer a solution in a limited number of cases.

Utilizing surplus space, a phenomenon of declining enrollments, can be done by: (1) holding the classroom vacant, (2) closing a building (3) using the space for non-instructional purposes, or (4) using it for new programs or diffusion of existing instructional programs. ie adult education, special education or alternative school.

Staffing schools also takes on a different guise when enrollments decline. Less teachers are needed. Attrition will bring some demand for staff but more teachers are currently being trained than are needed when retirement and declining enrollments are considered. If, (which doesn't seem likely at the moment) the people are willing to provide more money for less students then more staff will be needed to enrich established programs.

School districts currently are: (1) maintaining staff levels and reducing pupil-teacher ratios and usually class size; or (2) reducing the staff size through layoffs

or by not filling vacancies.

The final approach to declining enrollments is that of change in program and organization. Though these four techniques are not new, they have been used on a cost concern basis by many districts. They are: (1) change in design or breadth of curricula, (2) split classes, (3) change in grade level organization, and (4) joint programs between districts.

Split classes, defined as a class composed of students at two grade levels came about during a time of enrollment decline when there were only ten second and ten third grader or similar numbers in other elementary grade combinations.

Staggered courses, that is, courses offered every other year or increasing the curricular offerings can both be utilized during a period of enrollment decline.

Grade level reorganization can sometimes relieve enough space to permit a building closing. Sometimes adding ninth grade to the ten through twelfth grade high school will help better utilize the exceptional facilities of the newer buildings.

Another phenomenon being seen is one in which special and vocational education programs are increasingly being shared by two or more school districts to cut costs and to consider enrollment declines.

The last points I would like to make today are in relation to teacher satisfaction of those persons who have been transferred or reassigned as a result of staff reductions forced by enrollment decline.

William Fred Weber in his University of Michigan dissertation on Job Satisfaction of Transferred and Reassigned Teachers, 1975 reports that when, in a study of ninety-seven teachers from a high school located in Metropolitan Detroit, data were collected and analyzed results showed teachers who had been transferred but not reassigned to

to be the most satisfied, followed by teachers who had b een reassigned but not transferred, teachers who had been neither transferred nor reassigned, and those who had been transferred and reassigned.

The greatest dissatisfaction was present when teachers felt that, as a result of staff reduction necessitating a change in their job, that they were unable to fully develop their skills, to maximize their existing skills, to be involved in in-service work, or to teach the classes for which they felt most satisfied.

In conclusion, staff reductions have many implications not the least of which brings to mind the Getzels-Guba model of the role of the institution and the role of the individual and the concern that these be balanced in the best possible way. Is the institution to survive at the expense of its employees? Are they to survive to the demise of the institution?

If teachers are dealt with as though they are commodities, suspended and treated as if they are guilty and not for reasons of correction then the institution may survive at the expense of its staff. If teachers are kept on when a reduction in force is ex-sential, then the staff may survive while the institution goes out of business.

There are no easy answers nor panaceas in suspension; it is only a tool, just as reduction in staff is a tool of survival for the institution.